United Nations CEDAW/C/BTN/Q/8-9

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
16 March 2016

Original: English

Committee on the Elimination of Discrimination against Women
Sixty-fifth session
24 October-18 November 2016
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined eighth and ninth periodic reports of Bhutan

Legal status of the Convention and definition of discrimination

1. The State party indicates in its combined eighth and ninth periodic reports that a direct presence of the definition of discrimination from the Convention is not yet visible in its legislation and policies (CEDAW/C/BTN/8-9, para. 33).[1] It goes on to state that, where appropriate, efforts are being made to review relevant laws to align the definition of discrimination with article 1 of the Convention (para. 35). Please provide information on steps taken, including the time frame, to amend legislation in order to include a definition of discrimination against women in line with article 1 of the Convention. Please indicate what other laws the State party envisages amending. Please state whether the Convention is directly applicable in the national courts in the light of the article 10 (25) of the Constitution, which provides that a treaty shall be deemed to be the law of Bhutan only upon ratification by Parliament unless it is inconsistent with the Constitution (paras. 33 and 39).

Access to justice

2. In the light of the Committee's previous recommendation (see CEDAW/C/BTN/CO/7, para. 20), please provide information on measures taken to increase access to justice for women who are victims of discrimination and violence, including domestic violence, and on the legal aid currently available to support them. Furthermore, please provide information on measures adopted to increase the number of women working on such issues, including in the police force

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined eighth and ninth periodic reports of the State party.

Please recycle

and other law enforcement authorities. Please provide information on the legal aid regime in place and the extent to which women can gain access to legal aid, in line with the Committee's general recommendation No. 33 (2015) on women's access to justice.

National machinery for the advancement of women

3. Please indicate whether the recent institutional changes with regard to the National Commission for Women and Children have also resulted in increased financial resources, personnel, autonomy, independence and accountability (para. 67). Please clarify whether the strengthening exercise of the Commission has resulted in a clear separation of its functions in respect of women and children, as previously recommended by the Committee (see CEDAW/C/BTN/CO/7, para. 14). Please specify the institution that is responsible for monitoring the implementation of the Convention. Please provide an update on the reappointment of gender focal points at the district level as directed by the Commission (para. 71).

Temporary special measures

4. The Committee, in its previous concluding observations (CEDAW/C/BTN/CO/7, para. 15), noted that the State party would consider adopting and implementing temporary special measures as interpreted by the Committee in its general recommendation No. 25 (2004) on temporary special measures. Please provide information on the temporary special measures adopted in order to accelerate the achievement of substantive equality between men and women in the public sector. Please state the measures being taken to introduce legislation on temporary special measures for women, and addressing the inequality experienced by disadvantaged groups of women (para. 98).

Stereotypes and harmful practices

5. The State party indicates that the National Plan of Action for Gender noted prejudices and stereotypes as a key area of concern and accordingly identified interventions to curb negative impacts on women's empowerment initiatives (para. 102). Please provide details on the nature of those interventions and their outcomes. Furthermore, please provide information on any plans to develop policies and programmes directed at men and women to support the elimination of stereotypes associated with traditional roles in the family, the workplace and society at large and to prevent the re-emergence of stereotypes that are discriminatory towards women (see CEDAW/C/BTN/CO/7, para. 24).

6. The State party highlights the results of the Bhutan Multiple Indicator Survey, 2010, which indicate that 68.4 per cent of women accepted that the act of domestic violence was justified (para. 103). Please indicate measures taken to address that phenomenon, including through awareness-raising campaigns. According to information before the Committee, child marriage remains common in the State party, its prohibition by law notwithstanding. Please provide information on measures taken, including through legislation and public outreach campaigns, to abolish the practice.

Violence against women

7. According to information before the Committee, many cases of domestic violence and rape, including the traditional practice of "night hunting", during which rape is perpetrated, go unreported. Furthermore, information before the Committee indicates that, when such acts are reported, victims are encouraged to settle complaints through mediation before they can file criminal charges. Please provide information on specific measures taken to eliminate such practices and to address the underreporting of those crimes, as well as to ensure that mediation does not lead to impunity for perpetrators. Please also provide updated information on the current situation with regard to support services and shelters available to women and girls in all regions.

8. The State party indicates that a gender-based violence information management system aimed at supporting effective case management (i.e. record-keeping and follow-up) was launched in 2013 (para. 110). Please indicate whether the predicted results regarding effective case management have been achieved. Please also provide data on the number of cases that have been prosecuted since the Penal Code was amended in 2011 in order to revise the penalties for the crime of rape (para. 43). Please state the law that governs gender-based domestic violence and provide information on measures taken to enforce the law in order to curb domestic violence in the State party.

Trafficking and sexual exploitation

9. Reports indicate that the State party continues to be a source and destination country for trafficking in persons, in particular women and girls, for purposes of labour and sexual exploitation. Please provide details on the State party's efforts to provide support to women and girls at risk and, specifically, on existing mechanisms for access to justice and alternative livelihood options (see CEDAW/C/BTN/CO/7, para. 22). Please also provide updated information on any measures taken, including entering into bilateral and regional agreements with countries of origin and neighbouring countries (see ibid.).

Participation in political and public life

10. According to information before the Committee, the representation of women in the State party at the parliamentary and local government levels remains very low and there are many obstacles for women, such as discriminatory cultural and traditional beliefs, gender stereotypes and limited skills, which prevent them from participating in political and public life. The State party indicates that few women were elected to the National Assembly and none to the National Council in 2013 (para. 136). The State party also indicates that it has prepared draft legislation to ensure a quota for women in elected offices, including Parliament and local government bodies, and that there is a draft national action plan to promote gender equality in elected offices (paras. 96-97 and 137-138). Please provide information on the content and timeline for the adoption of the legislation aimed at accelerating de facto equality between men and women in political and public life and on the finalization of the action plan, indicating whether it has adequate resources and the mechanism responsible for its implementation. Please also provide an update on the number of women in Parliament, the judiciary, senior government positions, the foreign service and academic institutions.

11. Please provide information on measures taken to review the criteria required for some positions when such criteria become obstacles or barriers to women's access to decision-making in the public and private sectors, as previously recommended by the Committee (see CEDAW/C/BTN/CO/7, para. 18).

Nationality

12. In its previous concluding observations, the Committee raised concerns regarding the situation of ethnic Nepalese women who had lost their Bhutanese citizenship following the enactment of the Citizenship Act (1958) and the resulting discrimination that they continued to face (ibid., para. 35). Please provide updated information on steps taken to address those concerns, including ensuring full access to free education and health services to all children, especially to those under 15 years of age (see ibid., para. 36). Please state whether Bhutanese women can transmit their nationality to their children and their foreign spouses on an equal basis as men (see A/HRC/27/8, para. 120.33).

Education

13. According to information before the Committee, the rate of female enrolment in schools declines steadily in the higher grade levels. The number of girls entering technical and vocational education and training is lower than that of boys and fewer female pupils are progressing to tertiary institutions. Please provide information on measures in place, including the provision of incentives, to encourage girls, especially those in rural areas, to remain in school. Please state whether targeted measures have been adopted to ensure equal access for girls and women to tertiary education and vocational training (see CEDAW/C/BTN/CO/7, para. 26). Furthermore, in the light of the information that girls frequently drop out of school owing to marriage or pregnancy, please provide information on steps taken, including policy measures, to encourage pregnant girls and married girls to continue their education. Please provide information on the impact and challenges in the implementation of extended classrooms aimed at facilitating girls' access to education by reducing the walking distance to schools (para. 155). Please also provide information on measures taken to improve the participation of women and girls in sports.

Employment

14. The Committee has been informed that women have limited opportunities for employment outside the agricultural and domestic sectors, causing them to suffer from unemployment and poverty. They are also exposed to high levels of sexual harassment, domestic and labour exploitation and violence in the workplace. Please provide information on measures taken by the State party to ensure access to remedial mechanisms, including access to justice, for women who are victims of exploitation and violence, including sexual harassment (see CEDAW/C/BTN/CO/7, para. 30). Please also provide information on coordination and accountability mechanisms in place for complaints of discriminatory practices with regard to employment, and how these have been made available to women, including migrant workers and rural women. Please provide information on measures taken to eliminate horizontal and vertical segregation in the labour market, reduce the gender wage gap in the public and private sectors and ensure access to social protection and benefits, including their right to basic health care, for women in the informal sector.

Please provide information on projects in place to create additional job and income opportunities for women.

15. Please provide information on the State party's efforts to address the persistent use of child labour, in particular with regard to girl domestic workers who work long hours, are subjected to violence and lack access to education (see ibid., para. 31). Furthermore, please provide information on public outreach campaigns undertaken to inform the population about the need to protect children, in particular girls, from domestic abuse and ensure their access to education and medical care.

Health

16. Please describe the specific measures taken to increase women's access to high-quality health care, in particular in rural areas, so as to reduce the high incidence of maternal and infant mortality (para. 20). Please provide information on access to mental and geriatric health services and on the existence of an integral health policy for women, including facilities for cancer screening (see CEDAW/C/BTN/CO/7, para. 28). Please also provide information on access to abortion by women and girls in the State party, including whether the law provides for abortion on grounds such as threat to the life and health of the pregnant woman, rape, incest and severe fetal impairment. Furthermore, please state whether the law provides for punitive measures for women who undergo abortion and, if it does, the measures being taken to abolish them.

17. According to information before the Committee, sexually transmitted infections and HIV rates are disproportionately high among young people in the State party. Please provide data, disaggregated by age, on the number of women and girls who are HIV-positive in the State party. Please indicate whether sexual and reproductive health education is targeted at both girls and boys, pays special attention to the prevention and control of sexually transmitted infections and is easily available in remote and rural areas. Please also indicate whether research has been undertaken to determine the factors leading to the feminization of HIV/AIDS and whether the State party has developed appropriate strategies to reduce women's vulnerability to HIV (see ibid.).

Rural women and disadvantaged groups of women

18. Please provide information on measures taken to enhance the participation of rural women and those living in remote areas in developing policies and legislation on matters that affect their rights. Please also provide information on existing programmes aimed at ensuring that rural women have access to health care, employment, education and credit facilities, in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women. Please provide information on measures being taken to improve access to potable water by women, in particular rural women (para. 233).

19. Please provide information on the situation of disadvantaged groups of women, especially older women and women with disabilities. The State party indicates that poverty in female-headed households remains higher than in male-headed households (para. 21). Please provide information on the extent to which female-headed households are disproportionately affected by poverty and access to health services, education, employment and in terms of access to credit facilities. In addition to the various skills development programmes currently in place

(paras. 209-211), what social protection measures have been taken with a view to alleviating the gendered impacts of poverty in society? Please provide information on existing social protection programmes aimed at reducing the economic burden on female-headed households and older women.

Marriage and family relations

20. Please indicate whether the provisions regarding custody of children upon dissolution of marriage have been aligned with article 16 (1) (d) of the Convention, which highlights the need to take into account the best interests of the child, as previously recommended by the Committee (see CEDAW/C/BTN/CO/7, para. 34). Please provide information on measures being taken to eliminate polygamy in the State party.

Optional Protocol and amendment to article 20 (1) of the Convention

21. Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention and the amendment to article 20 (1) of the Convention.